

### **Remarks**

Reconsideration and reversal of the rejections expressed in the Office Action of July 19, 2006 are respectfully contended in view of the following remarks and the application as amended. The present invention relates to a system for delivering gas at a predetermined rate of flow in the processing of semiconductor devices, which includes a flow controller having a diaphragm forming upstream and downstream chambers connected by a fixed orifice, and means for delivering gas at a substantially constant pressure to the upstream chamber of the flow controller.

Claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by Fenimore et al., U.S. Patent No. 5,329,966. The '966 patent relates to a system for delivering gas at a predetermined rate of flow, including a diaphragm type flow controller, a pressure regulator for providing a constant flow of gas to the flow controller, and a microprocessor controlled stepper motor utilizing an optical encoder to adjust the rate of flow of a gas leaving the controller without having to use a gas flow measurement device to monitor the flow rate.

Note that the presence of at least one fin flow sensor, a flow sensor which is fin-shaped and which monitors the rate of flow, is neither disclosed nor suggested by this reference. Independent claims 1 and 6 have been amended to include such a clarification, support for which is found at paragraph 16 of the specification as filed. Dependent claims 2-5 and 7-8 by virtue of their dependency on claims 1 and 6, respectively are also allowable for the same reason that claims 1 and 6 are allowed.

Note also that if the '966 patent were to be combined with e.g., McCall, U.S. Patent No. 5,363,699 (previously cited in combination with the '966 patent in an earlier obviousness rejection of the claims of the present application), such a rejection would be likewise overcome. The '699 patent discloses a flow straightening and fluid displacement apparatus which comprises, in sequence in the direction of fluid flow, a first swirl mitigating and flow straightening device, a fluid displacement member comprised of two oppositely facing frustums

jointed at their larger ends and mounted coaxially within the conduit, and a second flow straightening device.

As previously discussed, the '966 relates to a system for delivering gas, while the '699 patent substantially relates to a fluid displacement apparatus. Applicants respectfully contend that combining the teachings of the '699 patent with those of the '966 patent would destroy the purpose of the latter invention, i.e., there would be no technological motivation for engaging in such a modification. In other words, the intended purpose or function of the '966 patent would be destroyed by such a combination, and the resulting structure or method would not realize the advantages or benefits of the claimed invention. Therefore, such a rejection is overcome as well.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of November 27, 2006 are respectfully submitted. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

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